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Attorneys for Defendant United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SYLVIA AHN,

Plaintiff,

v.

GEO GROUP, INC., et al.,

Defendants.

CASE NO. 1:22-CV-00586-CDB

NOTICE OF MOTION AND MOTION TO
DISMISS PLAINTIFF'S THIRD AMENDED
COMPLAINT

Date: July 31, 2024

Time: 10:30am

Location: Bakersfield Courthouse
510 19th Street
Bakersfield, CA 93301

NOTICE OF MOTION AND MOTION TO DISMISS

PLEASE TAKE NOTICE, that pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and Local Rule 230, Defendant United States of America moves to dismiss all claims against it in Plaintiff Sylvia Ahn's Third Amended Complaint (ECF 74). The Motion will be heard before the Honorable Christopher D. Baker, United States Magistrate Judge, on July 31, 2024, at 10:30am in the Bakersfield United States Courthouse, 510 19th Street in Bakersfield, California, or such other time as the Court directs.

The Court lacks jurisdiction over claims against the United States, and plaintiff has failed to state a claim against the United States, because (1) the United States is immune from claims based on the acts or omissions of an independent contractor; and (2) all of alleged acts or omissions by the United States fall within the discretionary function exception to the FTCA.

This motion is based on this notice of motion and motion and Defendant's concurrently filed Memorandum, the previously-filed Declarations of Nancy Gonzalez and Natasha Nguyen and the

exhibits thereto, the record of this case, and such other evidence or argument as the Court may consider.

Respectfully submitted,

Dated: June 12, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ Brodie M. Butland
BRODIE M. BUTLAND
Assistant United States Attorney

Attorneys for Defendant